

REMARKS

Claims 16-19 and 21-36 were previously pending in the application. By the Amendment, Claims 16-18, 27, and 30 are currently amended, and Claims 19, 21-26, 28, 29, and 31-36 remain unchanged.

The claims stand rejected as being indefinite and under the cited prior art of record. Specifically, Claim 17 was rejected under 35 USC § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter of the invention. Claims 16, 25 and 26 were rejected under 35 USC § 102(b) as being anticipated by US 1,063,183 (Christian). Claims 17, 18, 19, 27-31 and 36 were rejected under 35 USC § 103(a) as being unpatentable over Christian in view of FR 2 650 372 (Garcia). Claims 21-25 and 32-35 were rejected under 35 USC § 103(a) as being unpatentable over Christian in view of US 6,938,617 (Le et al.), and supported by US 6,789,861 (Dobberstein).

With respect to the rejection of Claim 17 under 35 USC § 112, second paragraph, it is submitted that this rejection is now moot in view of the amendments to Claim 17 that now recite that the displaceable carriage is arranged "on a corresponding guide rail" on one of the opposite side walls of the baking chamber in a middle height region "between the top wall and the bottom wall."

With respect to the prior art rejection of the claims under 35 USC § 102(b) and 35 USC § 102(a), favorable reconsideration is respectfully requested in view of amendments to the claims recited above, and the following comments.

The present invention is directed to a holding part (12) which is horizontally glided inside of a baking chamber (2) for receiving and holding a

baking rack (24). As now amended, independent Claim 16 further recites that the holding part includes two "independent" retaining elements arranged on opposite side walls of the baking chamber. Each of the two independent retaining elements is "self-supported in a specific orientation" and guided by a displaceable carriage mounted on a "corresponding" guide rail. Independent Claim 27 as now amended, requires "an independent" left hand carriage portion and "an independent" right hand carriage portion, in both cases the carriage portion supports the respective seating portions "in a specific orientation."

None of the cited prior art references, either taken alone or in combination, teaches or discloses the features of the retaining elements being independent, and self-supported in a specific orientation. Among other advantages, the independent and self-supporting nature of each of the retaining elements of the present invention allows the area available for the heating elements of the upper heat source and the lower heat source in the baking chamber to not be impaired by guide elements (including frame members) arranged in their vicinity. Furthermore, in relation to the presently amended dependent Claims 18 and 30, the approximately centrally arranged retaining element is subjected to a lower bending moment when a baking rack is suspended in an uppermost or a lowermost slide-in position.

A review of Christian reveals a rack in which sections are secured to tubular-shaped guides which slide in movable C-shaped guides. The rack 4 is a complete assembly constructed as a frame which moves in its entirety in and out of a cooking appliance and is adapted to support baking rack 13. There is no disclosure of, nor does Christian render obvious, the specifically claimed features of having the holding parts made up of two independent retaining elements self-supported in a specific orientation and guided by a displaceable carriage mounted on a corresponding guide rail. The rack of Christian that supports baking rack 13 is assembled as and moves as a complete assembled frame,

which is allowed to move in and out of the oven by guides 18, 19, and 20 which are slidably received within each other, and which make up a structure completely different from and which does not render obvious Applicants' invention as recited in amended independent Claims 16 and 27.

As to Garcia, this reference merely discloses a "frame" made up of elements 1 and 2 arranged both horizontally and vertically and interconnected as part of an overall frame which slides in and out of a cooking appliance. These teachings when combined with Christian fail to anticipate or render obvious the claimed invention which now recites independent retaining elements self-supported in a specific orientation.

As to Le et al., this reference merely illustrates a slide arrangement in which C-shaped members are bound together along their webs. Bearings ride in the bearing raceways, and rollably couple inner members to outer members. This adds nothing to the teachings of the prior art, and does not anticipate or render obvious the claimed invention as previously discussed.

Similarly, Dobberstein also teaches a conventional arrangement of telescopic guides with ball-bearings, but this also fails to add anything to the teachings of the prior art, most notably Christian, to render obvious the claimed invention as now recited in the amended claims.

For these and other reasons, the prior art cited does not disclose or render obvious the subject matter defined by amended independent Claims 16 and 27. Therefore, Claims 16 and 27 are allowable. The remaining claims depend either from Claim 16 or from Claim 27 and are allowable for the same reasons, and also because they recite additional patentable subject matter.

CONCLUSION

In view of the above, entry of the present Amendment and allowance of Claims 16-19 and 21-36 are respectfully requested. If the Examiner has any questions regarding this Amendment, the Examiner is requested to contact the undersigned. If an extension of time for this paper is required, petition for extension is herewith made.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'J. Howard', is positioned above the printed name.

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